

Amendment
Serial No. 10/671,218

REMARKS

Entry of this amendment, reconsideration of all grounds of rejection, and allowance of all the pending claims are respectfully requested in light of the above amendments and the following remarks. Claims 1-18 are pending in the application. Claims 1-18 stand rejected. Claims 1 and 10 are independent claims. Claims 1 and 10 have been amended to clarify that the subscriber optical distributor is configured to be arranged at a user's location to receive at the user the optical TDM (Time Division Multiplex) broadcasting-telecommunications signal via an optical fiber from an Optical Network Unit (ONU) of the optical network in a Fiber To The Home arrangement; support is clearly found in the specification at least at page 5, lines 2-4, page 7, lines 16-21, page 8, lines 1-3, and shown in FIG. 3.

Claims 1, 7, 10 and 16 stand rejected under 35 U.S.C §102(e) as allegedly being anticipated by Blahut *et al.* (U.S. 6,778,550) ("Blahut"). Claims 2 and 11 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Blahut in view of Sala *et al.* (U.S. 7,127,167) ("Sala"). Claims 3, 5, 9, 12, 14 and 18 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Blahut in view of U.S. Patent Application Publication No. 2003/0016692 to Thomas *et al.* (U.S. Pat. Pub. 2003/00166982) ("Thomas"). Claims 4, 6, 8, 13, 15 and 17 stand rejected under 35 U.S.C. §103(a) as allegedly being obvious over Blahut in view of Sala and further in view of Thomas. Applicant respectfully traverses all grounds of rejection for the reasons indicated herein below.

With regard to the rejections under 35 U.S.C. 102(e) in view of Blahut, Applicant respectfully submits that Blahut clearly fails to disclose or suggest a subscriber optical distributor configured to be arranged at a user's location to receive at the user the optical TDM (Time Division Multiplex) broadcasting-telecommunications signal via an optical fiber from an

Amendment
Serial No. 10/671,218

Optical Network Unit (ONU) of the optical network in a Fiber To The Home arrangement, as recited in claim 1. In the presently claimed invention, an integrated optical signal carries broadcast and telecommunication optically to the user location for conversion and distribution by the subscriber optical distributor.

In contrast to the presently claimed invention, Blahut clearly converts the optical signal at the ONU and separates it there as well. Moreover, FIG. 5 of Blahut shows a telephone interface 509 using a UTP 512, a Video Interface using a coax 511, and an Ethernet Interface 507 using an Ethernet cable 510. Blahut does not disclose FTTH, and fails to disclose subscriber optical equipment at a user which receives an integrated optical signal at the user. FIG. 5 of Blahut is a diagram of an ONU, where the upstream and downstream optical signals are separated by splitter 503, so that a downstream optical signal from the OLT to the ONU is converted by the photodiode 504 into an electrical signal (Blahut at col. 11, 32 to 42).

Additionally, FIG. 1 of Blahut clearly shows an ONU 106 distributing telecommunication signals to a telephone 107 via an Unshielded Twisted Pair (UTP), an Ethernet cable 110 to computer 109 and via a coaxial cable 112 to television 111.

Applicant respectfully submits that Blahut is similar to the prior art shown in FIG. 2 of the present application where the ONU converts an optical signal into electrical signal that are provided to the user via ADSL and HFC to respective telecommunication device 12 and broadcast receiver 11, which are separate devices at user location 300.

Furthermore, with regard to independent method claim 10, Blahut also fails to disclose or suggest all the recited steps, particularly the receiving of an integrated optical signal via an optical fiber at the user. Claim 10 recites, which is similar to the recitation in claim 1, that steps (a), (b) and (c) are performed by a subscriber optical distributor which is configured for

Amendment
Serial No. 10/671,218

arrangement at a user's location to receive at the user the optical TDM (Time Division Multiplex) broadcasting-telecommunications signal via an optical fiber from an Optical Network Unit (ONU) of the optical transmission network in a Fiber To The Home arrangement.

According to the United States Court of Appeals for the Federal Circuit, a claim is anticipated under 35 U.S.C. §102 only if a single prior art reference sets forth each and every feature recited in a claim (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)), including the features in functional language (*In re Schreiber*, 128 F.3d 1473, 1478, 44 USPQ2d 1429 (Fed. Cir. 1997) (citing *In re Swinehart*, 439 F.2d 210, 169 USPQ 226 (CCPA 1971))).

For at least the above reasons, neither of independent claims 1 or 10 are anticipated by Blahut. Claims 7 and 16, which are dependent from independent claims 1 or 10, respectively, are also not anticipated at least because their base claim is not anticipated. Accordingly, Applicant respectfully requests withdrawal of all grounds of rejection under 35 U.S.C. §102(e).

Other claims in this application that are each dependent on the independent claims 1 or 10, and are believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

With regard to the rejections under 35 U.S.C. §103(a) that Sala and Thomas fail to disclose or suggest a optical signal distributor in a FTTH network wherein a converged optical signal is received by the distributor at the user's location via an optical fiber. Nor would the combination of Blahut, Sala and/or Thomas, in any combination, disclose, or render obvious the presently claimed invention. Addition, nor are the recitations recited in claims 1 and 10 within the ordinary level of skill by the artisan such that any of the present claims would have been

Amendment
Serial No. 10/671,218

obvious at the time of convention. Reconsideration and withdrawal of all grounds of rejections under 35 U.S.C. 103(a) are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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